

**Urging The New York State Department Of Environmental Conservation To Initiate The Rulemaking Process And Establish New Regulations Under 6 NYCRR, Parts 360 & 363 For The Onsite Treatment And Disposal Of Landfill Leachate**

Referred to: The Energy, Environment and Sustainability Committee (Chairman Hewitt and Legislators Donaldson, Greene, Litts, Nolan, Stewart, and Walls)

Energy, Environment and Sustainability Committee Chair Chris Hewitt and Legislators Clinton, Collins, Criswell, Donaldson, Greene, and Harmon offer the following:

WHEREAS, Ulster County is a leader in responsible environmental stewardship and policies to protect its residents and unique ecosystem; and

WHEREAS, according to NYS GIS Clearinghouse data there are nearly 50 sites in Ulster County classified as “Inactive Solid Waste Landfills”; and

WHEREAS, landfills contain numerous toxic substances which, without adequate rules and regulations in place for their proper management and oversight, are significant environmental hazards and pose serious risks to public health; and

WHEREAS, landfill leachate contains heavy metals, pesticides, and petroleum-based, synthetic chemicals used in industrial processes, manufacturing, consumer goods and plastics, and has been highlighted as a significant threat to drinking water supplies; and

WHEREAS, 6 NYCRR Part 360.2 (166) defines Leachate as “any solid waste in the form of a liquid, including any suspended components, that results from contact with waste”; and

WHEREAS, in June 2023, the New York State Department of Environmental Conservation (NYS DEC) hosted a virtual stakeholder meeting to present initial concepts for managing municipal solid waste landfill leachate and solicit feedback for future rulemaking; and

WHEREAS, as a result of the meeting the NYS DEC’s 2024 Regulatory Agenda pledged to open the rulemaking process for these new regulations by year-end, which has not yet occurred; and

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WHEREAS, a 2024/2025 report published by the Hudson and Mohawk Rivers Leachate Collaborative entitled *The Threat of Landfill Leachate to Drinking Water in the Hudson and Mohawk Rivers* exposes regulatory gaps that allow untreated landfill leachate to be sent to municipal sewage treatment plants (STPs) which discharge the landfill leachate and the highly concentrated contaminants it contains directly into the Hudson and Mohawk Rivers; and

WHEREAS, these Rivers serve as drinking water sources for approximately 368,000 people, with 10,000 Ulster County residents dependent on the Hudson River for their drinking water; and

WHEREAS, the report further revealed that from 2019 to 2023 an estimated 89 million gallons of landfill leachate were discharged annually into the Hudson River Estuary and Mohawk River; and

WHEREAS, while modern landfills implement measures to contain leachate and protect nearby groundwater, once collected leachate is often transported to municipal STPs that operate facilities designed for sewage not the toxic substances in leachate, leaving the harmful contaminants untreated and discharged into waterways further burdening downstream municipalities with the removal of these contaminants through drinking water treatment plants at significant financial cost; and

WHEREAS, the current regulatory system is failing to adequately address the leachate problem which requires a new waste management regime to protect the public and shift cost burdens away from municipalities and back to polluters; and

WHEREAS, the rulemaking process would allow various stakeholders to collaborate in designing a system that is both equitable and efficient.; and now, therefore be it

RESOLVED, that the Ulster County Legislature hereby joins with the Hudson and Mohawk Rivers Leachate Collaborative, Ulster County Executive Jen Metzger, and other elected officials and concerned citizens to urge the New York State Department of Environmental Conservation to immediately initiate the rulemaking process to review and establish new regulations under 6 NYCRR Parts 360 & 363 regarding the effective management, treatment, and disposal of landfill leachate; and be it further

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RESOLVED, that a 90-day public comment period in connection with this proposed rulemaking be accommodated to ensure meaningful public participation; and be it further

RESOLVED, the Clerk of the Ulster County Legislature shall forward copies of this resolution to the New York State Department of Environmental Conservation Acting Commissioner Amanda Lefton, New York State Department of Environmental Conservation Bureau of Solid Waste Management Director Joseph O’Connell, Chair of the New York State Senate Environmental Conservation Committee Peter Harckham, Chair of the New York State Assembly Environmental Conservation Committee Deborah Glick, and all Ulster County elected State Assemblymembers and Senators,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Energy, Environment and Sustainability on \_\_\_\_\_.

FINANCIAL IMPACT:

NONE